

## Message Text

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ACTION EUR-12

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E. O. 11652: N/A  
TAGS: NATO, EFIN, AORG  
SUBJECT: STAFF CENTER - PENSIONS

REF: BC-D(78)12, APRIL 6, 1978  
A. THE REFERENCED DOCUMENT, QUOTED BELOW, WILL BE  
DISCUSSED SHORTLY BY THE CIVIL BUDGET COMMITTEE:

BEGIN UNCLASSIFIED

BEGIN QUOTE:

- THE NATO STAFF CENTER IS A PART OF THE LEGAL  
PERSONALITY OF THE ORGANIZATION AND ITS PERSONNEL FILL  
POSTS ON THE INTERNATIONAL STAFF FOR WHICH THE PERSONNEL  
COSTS ARE MET BY THE USERS. THE STATUS OF THE CENTER  
AND THE PERSONNEL HAS BEEN CONFIRMED BY THE NATO LEGAL  
ADVISER (ANNEX II). THE ESTABLISHED POSTS OF THE  
STAFF CENTER SHOULD THEREFORE BE INCLUDED IN THE RELATED  
DOCUMENTS AND ORGANIZATIONAL CHARTS. THIS IS NOW  
PARTICULARLY NECESSARY AS A PROPORTION OF THE PERSONNEL  
ARE AFFILIATED TO THE PENSION SCHEME BY MANDATE OR  
BY CHOICE.

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- 2. COUNCIL APPROVAL TO THE CREATION OF THE STAFF  
CENTER (C-M(71)52) REQUIRED, INTER ALIA, PERSONNEL  
COSTS TO BE MET BY THE USERS. OPERATIONS WERE TO BE  
ENTRUSTED TO A MANAGER WHO WOULD BE RESPONSIBLE TO A  
MANAGEMENT COMMITTEE COMPOSED OF REPRESENTATIVES OF THE  
DELEGATIONS, MILREPS, THE INTERNATIONAL MILITARY STAFF,  
THE INTERNATIONAL STAFF AND THE STAFF ASSOCIATION. THE

CIVIL BUDGET COMMITTEE AUTHORIZED RECRUITMENT (BC-R(73)12) TO FILL 6 OF THE 13 POSTS PROPOSED IN THE FIRST BUDGET ESTIMATES FOR THE STAFF CENTER AND NOTED THE INTENTION THAT THEY BE REIMBURSABLE POSTS ON THE INTERNATIONAL STAFF. THE CIVIL BUDGET COMMITTEE THEN TRANSFERRED THE BUDGETARY RESPONSIBILITY TO THE SECRETARY GENERAL, THROUGH THE STAFF CENTER MANAGEMENT COMMITTEE. ADDITIONAL POSTS WERE PROGRESSIVELY ESTABLISHED AS MEMBERSHIP AND RECREATIONAL ACTIVITIES INCREASED. THE CURRENTLY ESTABLISHED POSTS ARE LISTED AT ANNEX I. THE IMMEDIATE NEED IS TO REFLECT THEM IN THE OVERALL ESTABLISHMENT AND ORGANIZATIONAL CHARTS OF THE INTERNATIONAL STAFF.

- 3. THERE IS A FURTHER NEED TO ADAPT THE EXISTING METHOD OF FINANCING PERSONNEL COSTS TO THE REQUIREMENTS OF THE PENSION SCHEME. TO DATE, THIS FINANCING HAS BEEN WHOLLY GOVERNED BY THE PROCEDURE IN FORCE FOR ALL INTERNATIONAL STAFF MEMBERS. THE STAFF CENTER HAS MET FROM ITS INCOME THE SALARIES AND ALLOWANCES OF ITS PERSONNEL, TOGETHER WITH A CONTRIBUTION TO THE PROVIDENT FUND OF 14 PCT OF THE SALARIES. IN ADDITION, THE PERSONNEL HAVE MADE THE REQUIRED CONTRIBUTION OF 7 PCT OF THEIR INDIVIDUAL SALARIES. THIS PROCEDURE WILL CONTINUE IN FORCE FOR ALL STAFF CENTER PERSONNEL WHO CHOOSE TO REMAIN WITH THE PROVIDENT FUND.  
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- 4. ON 30TH JUNE 1977, THE PROVIDENT FUND ACCOUNTS OF STAFF MEMBERS AFFILIATED TO THE PENSION SCHEME WERE CLOSED AND THE AMOUNTS THEREIN PLACED IN A SUSPENSE ACCOUNT. WITH EFFECT FROM THAT DATE, THE ORGANIZATION WAS NO LONGER REQUIRED TO CONTRIBUTE 14 PCT OF THE SALARIES OF THE STAFF MEMBERS CONCERNED. HOWEVER, TO COMPLY WITH THE SPIRIT OF THE COUNCIL DIRECTIVE, THE STAFF CENTER WILL CONTINUE TO REIMBURSE THE CIVIL BUDGET WITH:

- (A) THE SALARIES AND ALLOWANCES OF ITS PERSONNEL;

- (B) AN UNINTERRUPTED CONTRIBUTION OF 14 PCT OF THE SALARIES OF ITS PERSONNEL WHO ARE AFFILIATED TO THE PENSION SCHEME, FOR PAYMENT INTO A SUSPENSE ACCOUNT OR OTHER DESIGNATED ACCOUNT, TOGETHER WITH THEIR 7 PCT INDIVIDUAL CONTRIBUTIONS.

THE 14 PCT CONTRIBUTIONS WILL THEREFORE, IN THE CASE OF STAFF CENTER PERSONNEL, BE AVAILABLE TO OFFSET ANY

PAYMENTS TO THEM WHICH MAY BE NECESSARY UNDER THE PENSION SCHEME.

- 5. THE STAFF CENTER MANAGEMENT COMMITTEE WILL MAKE ANY NECESSARY ADJUSTMENTS TO THE PRESENT DUES AND CHARGES. CHANGES TO THE ESTABLISHMENT WILL FIRST BE SUBJECT TO EXAMINATION BY THE MANAGEMENT ADVISORY UNIT. PROVIDED THERE IS NO UNFORESEEN AND SIGNIFICANT CHANGE IN THE SOURCE OF REVENUE, THE STAFF CENTER SHOULD BE ABLE TO MAINTAIN THE LEVEL OF REIMBURSEMENT OF PERSONNEL COSTS.

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- 6. THE CIVIL BUDGET COMMITTEE IS THEREFORE REQUESTED TO:

- (A) ENDORSE THE PROPOSED INCLUSION OF THE ESTABLISHED POSTS OF THE STAFF CENTER AS POSTS ON THE OVERALL ESTABLISHMENT OF THE INTERNATIONAL STAFF, FOR WHICH PERSONNEL COSTS WILL BE MET BY THE USERS;  
- (B) NOTE THE INTENTION TO MAINTAIN AN UNINTERRUPTED CONTRIBUTION OF 14 PCT OF BASIC SALARIES IN RESPECT OF ALL STAFF MEMBERS OF THE CENTER TOGETHER WITH THEIR 7 PCT INDIVIDUAL CONTRIBUTIONS;

- (C) NOTE THAT 16 OF THE STAFF CENTER PERSONNEL HAVE BEEN AFFILIATED BY MANDATE TO THE PENSION SCHEME AND A FURTHER 10 HAVE THE RIGHT OF OPTION. END QUOTE.

ANNEX I LISTS ONE A, FOUR B AND TWENTY-ONE C-GRADE STAFF CENTER EMPLOYEES WHO ARE FILLING POSTS WHICH ARE

CONSIDERED TO BE REIMBURSABLE FROM THE NATO DIRECTOR OF MANAGEMENT'S VIEWPOINT, SINCE THE STAFF CENTER PAYS THEIR SALARIES. SIXTEEN OF THESE NOW BELONG TO PENSION SCHEME AND THE REST HAVE OPTION RIGHT.

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ANNEX II PROVIDES OPINION OF LEGAL ADVISER, E. LEJEUNE, AS FOLLOWS:

BEGIN QUOTE:

- AS INDICATED IN DOCUMENT BC-R(73)12 OF 12TH JULY 1973, IT WAS PROPOSED FROM THE START OF THE DISCUSSIONS ON THE STAFF CENTER BUDGET "TO INCLUDE CENTER STAFF AS REIMBURSEABLE NATO-GRADED POSTS IN THE ESTABLISHMENT OF THE INTERNATIONAL SECRETARIAT". THIS BEING SO, THE STAFF CONCERNED ARE, WHEN RECRUITED, OFFERED INTERNATIONAL STAFF CONTRACTS TO FILL INTERNATIONAL POSTS. THESE CONTRACTS STIPULATE THAT THE PERSONNEL REGULATIONS WILL APPLY TO THE INCUMBENTS. THE PREAMBLE TO THESE REGULATIONS (SECTION B. DEFINITIONS, (C)) STATES THAT:

- "INTERNATIONAL CIVILIAN PERSONNEL, STAFF,  
- OR MEMBERS OF THE STAFF - MEANS PERSONNEL  
- OF A NATO BODY RECRUITED FROM AMONG THE  
- NATIONALS OF MEMBERS OF THE ALLIANCE AND  
- FILLING INTERNATIONAL POSTS APPEARING ON  
- THE APPROVED ESTABLISHMENT OF THAT NATO  
- BODY".

- 2. FURTHERMORE, IT WAS STATED IN A LETTER FROM THE BELGIAN FOREIGN MINISTER, DATED 18TH SEPTEMBER 1967 AND FORMING PART OF AN EXCHANGE OF LETTERS BETWEEN THE BELGIAN GOVERNMENT AND NATO ON THE IMMUNITIES AND PRIVILEGES OF NATO AND ITS STAFF IN BELGIUM, THAT THE CATEGORIES OF OFFICIALS TO WHICH ARTICLES 18 AND 19 OF THE OTTAWA AGREEMENT APPLY IN BELGIUM COMPRISE GRADE A, L, B AND C MEMBERS OF THE ORGANIZATION'S STAFF

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SERVING IN BELGIUM. SINCE STAFF CENTER PERSONNEL ARE EMPLOYED IN THE GRADES REFERRED TO ABOVE, THEY ARE COVERED BY THIS ARRANGEMENT.

- 3. THEY ARE, THEREFORE, IN ACCORDANCE WITH THE SAME LETTER, ON THE LIST WHICH THE SECRETARY GENERAL OF THE ORGANIZATION FORWARDS TO THE BELGIAN GOVERNMENT ON 1ST JANUARY OF EACH YEAR AND WHICH GIVES THE NAME, GRADE AND ADDRESS OF STAFF MEMBERS COVERED BY THE PROVISIONS OF THE AGREEMENT.

- 4. TO SUMMARIZE, STAFF EMPLOYED AT THE NATO STAFF CENTER MUST BE REGARDED AS MEMBERS OF THE INTERNATIONAL CIVILIAN STAFF AND CONSEQUENTLY THE POSTS CURRENTLY FILLED BY THEM MUST BE INCLUDED IN THE ORGANIZATIONAL CHARTS AND RELATED DOCUMENTS. END QUOTE.

END UNCLASSIFIED.

B. FILES AVAILABLE ON THE STAFF CENTER (SC) INDICATE THAT DURING THE NORTH ATLANTIC COUNCIL MEETING OF AUGUST 30, 1971 (C-M(71)52) QUOTE THE USREP REITERATED THAT CONGRESS WAS AT PRESENT UNWILLING TO PROVIDE THE NECESSARY FINANCIAL RESOURCES END QUOTE FOR THE CONSTRUCTION OF A CENTER, ALTHOUGH NOT OPPOSED IN PRINCIPLE. COUNCIL WAS INVITED TO APPROVE THAT QUOTE EACH MEMBER COUNTRY, WITH THE EXCEPTION OF THE US, SHOULD PAY ITS SHARE OF THE CONSTRUCTION COST ACCORDING TO THE EXISTING COST-SHARING FORMULA; THE BALANCE WILL BE MADE AVAILABLE TO NATO BY NATIONS OTHER THAN THE US. END QUOTE.

IN MARCH 1972, THE NATO DIRECTOR OF ADMIN/PERSONNEL WROTE

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TO USNATO THAT THE COUNCIL AGREED (C-R(70)59, ITEM III)

QUOTE THE OPERATING COSTS OF THE INDIVIDUAL UNITS COMPRISING THIS SPORTS CENTER WOULD BE BORNE BY THE USERS ... IT WOULD BE A DISTINCT FINANCIAL ADVANTAGE IF THE PERSONNEL NEEDED TO OPERATE AND MAINTAIN THIS COMPLEX WERE CARRIED ON THE NATO ESTABLISHMENT. SUCH AN AGREEMENT WOULD HAVE ADVANTAGES, I. E. TAXATION, SOCIAL SECURITY AND RETIREMENT BENEFITS, THUS ENSURING AN IMPORTANT SAVING TO THE USERS OF THE COMPLEX. UNDER SUCH AN ARRANGEMENT, IT IS UNDERSTOOD THAT THESE PERSONNEL COSTS WOULD NOT BE BORNE BY THE NATO BUDGET SINCE THE SC WOULD REIMBURSE THE CIVIL BUDGET FOR THE PERSONNEL. IN ORDER TO OBTAIN THESE FACILITIES FROM THE BELGIAN GOVERNMENT UNDER THE OTTAWA AGREEMENT, IT IS IMPERATIVE THAT THE PERSONNEL APPEAR ON THE NATO ESTABLISHMENT. END QUOTE.

USNATO REPLIED MARCH 28, 1972: QUOTE MY AUTHORITIES WISH ME TO ADVISE YOU THAT THEY UNDERSTAND THE ADVANTAGES IN PLACING SC EMPLOYEES ON THE ROLLS OF THE ORGANIZATION AND ARE PREPARED TO AGREE TO YOUR PROPOSAL IN PRINCIPLE. IT MUST, HOWEVER, BE CLEARLY UNDERSTOOD THAT SUCH AGREEMENT ON THE PART OF THE US DOES NOT INPLY ANY FINANCIAL LIABILITY ON THE PART OF LIMITED OFFICIAL USE

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THE US. END QUOTE.

BC-R(73)12 REPORTS A PRELIMINARY EXCHANGE OF VIEW ON WHETHER THE BUDGET FOR THE SC SHOULD BE COMPLETELY SEPARATED FROM THAT OF THE IS/SECRETARIAT OR INCORPORATED IN THE LATTER AS AN ANNEX OR A SEPARATE CHAPTER. USREP NOTED US PREFERENCE FOR A SEPARATE CENTER BUDGET, QUOTE AS HIS AUTHORITIES WOULD NOT PARTICIPATE DIRECTLY IN THE FINANCING OF THE CENTER'S OPERATIONS, WHICH SHOULD, IN THEIR VIEW, BE FINANCIALLY SELF-SUPPORTING. END QUOTE. USNATO 3124, JUNE 1973, REPORTED MAJORITY OF CBC MEMBERS FAVORED EXCLUDING CENTER BUDGET FROM IS BUDGET AND REPORTED REQUEST FOR GRANTING NATO STATUS TO TWELVE CENTER EMPLOYEES, WITH WHICH DEPARTMENT CONCURRED IN STATE 130954.

C. IN LATE MARCH, THE UK REP ON THE SC MANAGEMENT COMMITTEE HAD TOLD THE CBC REP THIS DOCUMENT WOULD BE ISSUED AND MADE FOLLOWING COMMENTS:

1. LISTING OF SC PERSONNEL IN THE NATO ORGANIGRAMS. THE IS POSITION WOULD BE THIS SHOULD HAVE BEEN DONE MANY YEARS AGO, SINCE THE CENTER EMPLOYEES ARE MEMBERS OF IS AND ARE SO REPORTED EVERY YEAR TO THE BELGIAN GOVERNMENT.

2. PAYMENT OF PENSIONS TO STAFF CENTER PERSONNEL.

(A) SC MANAGEMENT COMMITTEE IS CONSIDERING HOW NATO SHOULD HANDLE PENSIONS. COMPLYING WITH COUNCIL DOCTRINE THAT PENSION COST SHOULD BE MET BY USER, SC WOULD CONTINUE TO CONTRIBUTE 14 PCT AND DEDUCT 7 PCT FROM SALARIES TOWARDS PENSIONS, AND THESE AMOUNTS LIMITED OFFICIAL USE

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WOULD BE CREDITED TO CBC. PENSION WOULD THEN BE PAID FROM CIVIL BUDGET.

(B) QUESTION WOULD ARISE WHEN FIRST SC PENSION IS PAID IN ABOUT FOUR YEARS' TIME. THIS EMPLOYEE HAS WORKED FOR TEN YEARS IN NATO HQ, AND A FURTHER SEVEN AT THE SC. THE QUESTIONS THIS RETIREMENT POSES INCLUDE: HOW IS HIS PENSION TO BE CALCULATED? HAVE THE MEMBER GOVERNMENTS CONSIDERED CONSEQUENCES OF PENSION SCHEME PROVISIONS, SPECIFICALLY ARTICLE 5 (CALCULATION OF SERVICE CONFERRING ENTITLEMENT TO BENEFITS) AND ARTICLE 12 (INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS), IN THE CASE OF THIS EMPLOYEE? WOULD THE 21 PCT FROM THE SC FUND THE PENSION SCHEME FOR SC PENSIONED STAFF OR WOULD ADDITIONAL MONEY BE REQUIRED FROM THE CIVIL BUDGET, WHICH WOULD HAVE HAD THE BENEFIT OF THE 21 PCT CONTRIBUTIONS WITH WHICH TO PAY CURRENT PENSIONS OF RETIRED IS EMPLOYEES?

3. UK REP ON SC MANAGEMENT COMMITTEE ADVISES THAT PRICES AND MEMBERSHIP FEES IN SC HAD NOT BEEN INCREASED SINCE JANUARY 1977, DID NOT REFLECT INFLATION AND WOULD BE ADJUSTED SHORTLY. HE BELIEVED MANAGEMENT COMMITTEE WOULD RECOMMEND THAT CBC HAVE SOME DEGREE OF SUPERVISION ON SC OPERATION, RATHER THAN LEAVE RESPONSIBILITY WITH SYG.

4. UK REP ON SC MANAGEMENT COMMITTEE THEN ASKED WHETHER THE USG WOULD CONTRIBUTE ITS SHARE TO THE CONSTRUCTION OF THE SC. HE WAS INFORMED THAT NO RESPONSE TO THIS QUESTION HAD BEEN RECEIVED FROM THE DEPARTMENT AS A RESULT OF USNATO'S LAST INTERVENTION IN 1975. (FYI: OUR FILES INDICATE CONGRESSMAN MARK ANDREWS FROM NORTH DAKOTA WROTE AMBASSADOR BRUCE IN DECEMBER 1975

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THAT HE WOULD BRING THE QUESTION TO THE ATTENTION OF  
THE APPROPRIATIONS COMMITTEE TO SEE THAT IT RECEIVED  
SERIOUS CONSIDERATION. WE HAVE NO KNOWLEDGE OF  
SUBSEQUENT ACTIONS CONCERNING US PARTICIPATION IN THE  
SC'S CONSTRUCTION COSTS. END FYI.)

D. ACTION REQUESTED: ALTHOUGH DATE OF CBC CONSIDERATION  
OF DOCUMENT BC-D(78)12 UNKNOWN, DEPARTMENT'S REVIEW OF  
THE ABOVE AND ITS INSTRUCTIONS BY APRIL 24 WOULD BE  
APPRECIATED.BENNETT

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